IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 440 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

CHANDRASHEKHAR NARSNAG AAYACHI

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 440 of 2002

MR PM THAKKAR FOR MR HARESH N JOSHI for Petitioner No. 1

MR AD OZA, PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 09/05/2003

C.A.V. JUDGEMENT

This petition under Sec.482 of the Code of Criminal Procedure has been filed for quashing and setting aside the registration of Crime Register No.I-20

of 2002 made at Kandla Police Station qua the present petitioner-original accused No.1 and also for a direction to the Investigating Officer not to arrest the petitioner.

2. It may be stated here that though complaint has been filed against 12 accused persons, petitions have been preferred by original accused No.1 and Nos.8 to 11. Original accused has preferred this petition being Special Criminal Application No.440 of 2002 while original accused Nos.8 to 11 have preferred Special Criminal Application No.373 of 2002. However, original accused Nos.2 to 7 and 12 have not preferred any petition.

3. Since Special Criminal Application Nos.440 of 2002 and 373 of 2002 have arisen out of same Crime Register of Kandla Police Station, both these petitions were heard together. At the end of arguments, learned counsel for the petitioners of Special Criminal Application No.373 of 2002 has invited for a reasoned judgment and order. However, learned counsel for the petitioner of this petition has sought permission to withdraw this petition. Hence, it was decided that separate C.A.V. judgments would be delivered in each petition.

4. Permission is granted as prayed for. This petition stands disposed of as withdrawn. Rule is discharged. In view of the aforesaid order of withdrawal, the statement made by Mr.A.D.Oza, learned Public Prosecutor before the Court stands discontinued.

(R.P.DHOLAKIA,J.)

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